

REMARKS

The Amendments to the Claims

Applicants respectfully request entry of the above amendments as described below, and reconsideration and withdrawal of the rejection of claims 1-2 and 5-15.

Claim 1 has been amended by deletion of the term “prodrug” and by addition of the proviso “provided that when V is –NH–; Ar is phenyl, substituted with methyl or nitro; R₁ is 2-(N,N-dimethylaminoethyl); R₂ is C(O)NH₂ then X is not CR₃R₅R₅.” Further amendments as set forth were made to correct certain typographical errors. Support for this amendment is in the specification as originally filed, including the claims.

Claims 2 and 5-15 have been amended to recite the phrase “or a pharmaceutically acceptable salt thereof”.

Claims 3 and 4 have been canceled.

Claim 8 has been amended by deletion of the phrase “for treating stress.”

Support for these amendments is in the specification as originally filed. No new matter has been added by way of these amendments. No fee is believed due, however, should a fee be deemed to be necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 16-1445.

The 35 USC § 112 Rejections

Claims 1, 5-7 and 9-15 have been rejected under 35 USC § 112, first paragraph as allegedly lacking enablement for the term “prodrug.” The term “prodrug” has been deleted from the claims and therefore the rejection of these claims on that basis is moot. Applicants respectfully request that the Examiner reconsider claims 1, 5-7 and 9-15, as amended, and withdraw the 35 USC § 112, first paragraph rejection.

Claims 1, 5-7 and 9-15 have been rejected under 35 USC § 112, second paragraph as allegedly being indefinite due to the presence of the term “prodrug.” The term “prodrug” has been deleted from the claims and therefore the rejection of these claims on that basis is moot. Applicants respectfully request that the Examiner

reconsider claims 1, 5-7 and 9-15, as amended, and withdraw the 35 USC § 112, second paragraph rejection.

Claims 1, 5-7 and 9-15 have been rejected under 35 USC § 112, second paragraph as allegedly being indefinite due to the presence of the term “cycloalkyl” wherein the cycloalkyl group can optionally contain one or two double bonds. Applicants respectfully submit that one of ordinary skill in the art would not find this term to be indefinite based upon the definition present in the specification and in the claims themselves. The definition provided in the specification allows for the cycloalkyl to optionally contain 1 or two double bonds. There is absolutely nothing repugnant to the art in defining the groups as such. For example, one of ordinary skill in the art would readily appreciate that a cyclohexyl group optionally containing one or two double bonds would optionally encompass a cyclohexenyl group and a cyclohexadienyl group. The fact that a group could be described in another manner as proposed by the Examiner does not mean that the instant definition is repugnant to the art.

In addition the Examiner stated that the phrase that the double bonds are not cumulated is not understood. Applicants respectfully submit that the phrase not cumulated in the definition of cycloalkyl means exactly what it says – that the double bonds are not cumulated. Not cumulated means not providing double bonds to form a “C=C=C” or allenic moiety. Such a moiety would be impossible in a cycloalkyl group. A definition of cumulated double bonds as provided by Morrison and Boyd is being submitted herewith in a supplemental IDS for the Examiner’s consideration. Applicants respectfully submit that claims are clear and definite and one skilled in the art would clearly understand the definitions of “cycloalkyl” and “not cumulated” as set forth therein. For this reason, Applicants respectfully request the Examiner to reconsider and withdraw the 35 USC § 112, second paragraph rejection of claims 1, 5-7 and 9-15.

The 35 USC §102 Rejection

Claims 1, 5-7 and 12-13 have been rejected as allegedly being anticipated under 35 USC §102(b) over WO 00/76980. Claim 1 has been amended such that the anticipatory subject matter as set forth by the Examiner in the Office Action is no longer encompassed by that claim. Specifically, claim 1 was amended by addition of

a proviso that excludes the subject matter the Examiner stated as being anticipatory to that claim. Applicants respectfully request that the Examiner reconsider claims 1, 5-7 and 12-13, as amended, and withdraw the 35 USC §102(b) rejection.

In view of the foregoing, Applicants request entry of the amendments, consideration of the amended claims and remarks, and allowance of the application.

Respectfully submitted,

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